

212 (vi) "Firearm" means the same as that term is defined in Section 76-10-501.

213 ~~[(e)]~~ (vii) "Medicine" means [any] a prescription drug as defined in Title 58, Chapter
 214 17b, Pharmacy Practice Act, but does not include [any] a controlled [substances] substance as
 215 defined in Title 58, Chapter 37, Utah Controlled Substances Act.

216 ~~[(f)]~~ (viii) "Mental health facility" means the same as that term is defined in Section
 217 26B-5-301.

218 ~~[(g)]~~ (ix) "Nicotine product" means the same as that term is defined in Section
 219 76-10-101.

220 ~~[(h)]~~ (x) "Offender" means [a person] an individual in custody at a correctional facility.

221 ~~[(i)]~~ (xi) "Secure area" means the same as that term is defined in Section 76-8-311.1.

222 ~~[(j)]~~ (xii) "Tobacco product" means the same as that term is defined in Section
 223 76-10-101.

224 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

225 (2)(a) Notwithstanding Section 76-10-500, a correctional facility or mental health
 226 facility may ~~[provide by rule that no]~~ prohibit a firearm, ammunition, a dangerous weapon, an
 227 implement of escape, an explosive, a controlled substance, spirituous or fermented liquor,
 228 medicine, or poison ~~[in any quantity may be]~~ from being:

229 ~~[(a)]~~ (i) transported to or ~~[upon]~~ within a correctional facility or mental health facility;

230 ~~[(b)]~~ (ii) sold or given away ~~[at any]~~ to an offender at a correctional facility or mental
 231 health facility; or

232 ~~[(c)]~~ (iii) ~~[given to or used by any offender]~~ possessed by an offender or another
 233 individual at a correctional facility or mental health facility~~[-or]~~.

234 ~~[(d) knowingly or intentionally possessed at a correctional or mental health facility.]~~

235 (b) A correctional facility may prohibit a communication device from being:

236 (i) transported ~~to~~ ~~←~~ within the correctional facility for the purpose of being sold
 236a to an

237 offender in the correctional facility;

238 (ii) sold or given away to an offender in the correctional facility; or

239 (iii) possessed by an offender or another individual at the correctional facility.

240 (3) It is a defense to [any] a prosecution ~~[under]~~ related to this section ~~[if the accused~~
 241 ~~is]~~ that the actor, in committing the act made criminal by this section with respect to:

242 (a) a correctional facility operated by the Department of Corrections, acted in

336 (2) An actor commits prohibited communication device in a correctional facility if the
337 actor, without the permission of the correctional facility:

338 (a) knowingly transports a communication device into the correctional facility with the
339 intent to provide or sell the communication device to an offender in the correctional facility;
340 (b) provides or sells a communication device to an offender in the correctional facility;
341 (c)(i) is an offender; and
342 (ii) possesses a communication device in the correctional facility; or
343 (d)(i) subject to Subsection (4), is an individual other than an offender; and
344 (ii) knowingly possesses a communication device ~~at~~ **at** in ~~the~~ **in** the correctional facility.

345 (3)(a) A violation of Subsection (2)(a), (b), or (c) is a third degree felony.

346 (b) A violation of Subsection (2)(d) is a class A misdemeanor.

347 (4)(a) A correctional facility that prohibits an individual other than an offender from
348 possessing a communication device in the correctional facility under Subsection (2)(d) shall
349 post a sign visible to an individual entering the correctional facility that provides the individual
350 with notice that possessing a communication device in the correctional facility is prohibited
351 and the individual may be prosecuted for possessing a communication device.

352 (b) A prosecuting attorney may not prosecute an individual under Subsection (2)(d) if
353 the correctional facility fails to comply with Subsection (4)(a)."